

NEW HAMPSHIRE REAL ESTATE COMMISSION
ORDER
FILE NO. 2011-018

NEW HAMPSHIRE REAL ESTATE COMMISSION
V
STEFAN P. KARNOPP
RE: COMPLAINT OF LAURA BLUNDO

This matter comes before the Real Estate Commission on the complaint of Laura Blundo, alleging violations of NH RSA 331-A:25-c, II (a); RSA 331-A:26, II; RSA 331-A:26, V; and RSA 331-A:26, XXXVI, by Stefan P. Karnopp. The Real Estate Commission after notice and hearing in the above captioned matter makes the following findings of fact:

1. Stefan P. Karnopp (hereinafter referred to as Respondent) was licensed as a New Hampshire real estate salesperson on 9/7/04, and was so licensed and associated with Black Bear Realty at the time of the alleged violations.
2. Respondent was the buyer-agent for a client who was interested in a property that was listed on the MLS with instructions for agents to contact the seller, Laura Blundo (hereinafter referred to as Complainant) directly.
3. Complainant's listing agent, Derek Greene testified that this was as an MLS entry only listing for which he charges an upfront listing fee but has no involvement in the transaction other than to update the status of the listing. Derek Greene testified that he entered the listing as an "Exclusive Agency" listing because that was the only option available for an entry only listing.
4. Complainant testified that she was clear that her listing was for sale by owner and that she paid a fee to her listing agent for MLS entry only.

5. Respondent testified that he knew Complainant had her own listing agent and Respondent sensed that there was of some sort of limited services but Respondent was not privy to the exact nature of Complainant's relationship with her listing agent, and Respondent felt that the fact that the listing was an Exclusive Agency listing implied there was an agency relationship between Complainant and her listing agent.
6. Complainant alleges that Respondent should have verbally advised her about the \$5,000 seller concession that was in the written offers Respondent presented to her because she didn't read the contract before she signed it.
7. Respondent testified that the selling price was being negotiated but it was not his job to go over the offer with her (Respondent was a buyer-agent), and the seller concession contingency was clearly indicated in writing on the standard Realtor P&S in the provisions on all the offers she received.
8. Respondent's principal broker Paul Mayer testified that he thought that Respondent acted properly in the transaction.

Based on the foregoing findings of fact, the Commission hereby issues the following rulings of law:

While the MLS listing indicated that there was an Exclusive Agency relationship between Complainant and her listing agent, once Respondent began dealing directly with the Complainant and obtaining signatures directly from the Complainant and addressing some terms in the Purchase and Sale Agreement (selling price) but not all (seller's price concession), Respondent should have either explained the terms in the writing more

thoroughly or directed the Complainant to her agent or to legal representation, particularly where the Complainant did not actually read the purchase and sales agreement in front of Respondent. Respondent was appropriately concerned about the interests of his buyer-client; however, this transaction could have potentially fallen apart at the closing to the detriment of Respondent's client when Complainant became aware of the \$5,000 seller concession. Respondent showed a lack of competency in handling the circumstances of this transaction. Therefore, the Commission rules that Respondent did violate RSA 331-A:26, XXXVI.

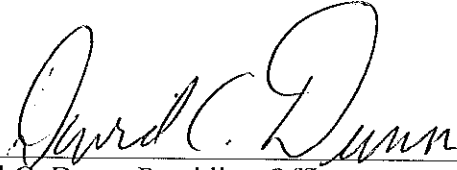
The Commission acknowledges that this transaction had unusual circumstances and the Commission does not feel that Respondent was intentionally trying to do anything inappropriate. Therefore, the Commission rules that Respondent did not violate RSA 331-A:25-c, II (a); RSA 331-A:26, II; or RSA 331-A:26, V.

In view of the foregoing rulings of law, the Real Estate Commission hereby orders that Respondent shall show proof of full attendance at a New Hampshire Real Estate Commission accredited 3-hour continuing education course about Ethics (this continuing education course is to be completed by classroom delivery method only and is not to be counted towards Respondent's continuing education requirements) within ninety (90) days of the effective date of this Order. Failure to comply with this disciplinary Order will result in the suspension of Respondent's real estate license until the course is completed. The Commission's hearing panel consisted of four commissioners and the above decision was rendered with the approval of Commissioners

David C. Dunn, William E. Barry, and Paul A. Lipnick, and the disapproval of
Commissioner Daniel S. Jones.

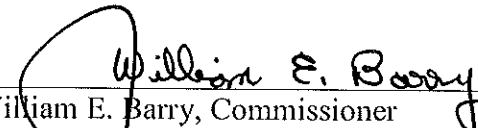
Under the provisions of RSA 331-A:28, III, this disciplinary action is subject to
appeal in the Superior Court. The Respondent has thirty (30) days from the date of this
Order in which to file an appeal. Such an appeal will suspend the Commission's
disciplinary action pending resolution of the appeal. If this decision is not appealed
within thirty (30) days, this Order will become final.

Commissioner James R. Therrien evaluated this case and did not take part in the
hearing or decision.



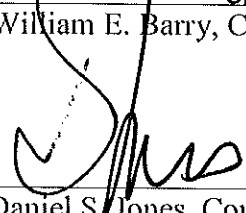
David C. Dunn, Presiding Officer

2/21/12
DATE



William E. Barry, Commissioner

2/21/12
DATE



Daniel S. Jones, Commissioner (opposed to the decision of the majority)

2/21/12
DATE



Paul A. Lipnick, Commissioner

2-21-2012
DATE